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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,170	07/31/2001	Peter John Bonitatebus JR.	RD-29400	9027

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH CENTER
PATENT DOCKET RM. 4A59
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NISKAYUNA, NY 12309

EXAMINER

STRICKLAND, JONAS N

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,170

Applicant(s)

BONITATEBUS ET AL.

Examiner

Jonas N Strickland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-86 are rejected under 35 U.S.C. 102(e) as being anticipated by Grade et al. (US Patent 6,410,774 B1).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Grade et al. discloses a process for the recovery of catalyst components. Grade et al. continues to disclose wherein the catalyst comprises a mixture of a Group 8, 9, or 10 metal, such as palladium (col. 3, lines 29-36), a Group 4 metal co-catalyst, such as titanium and a Group 11 metal co-catalyst, such as a copper source (col. 4, lines 28-61). Grade et al. continues to disclose wherein an aqueous protic acid, such as HCl and HBr, are added to the first mixture (col. 13, lines 15-25). Grade et al. continues to

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disclose a mixing step and a separation step (col. 13, line 56 – col. 14, line 45). It would have been anticipated to evaporate, since it is known in the art to evaporate after separation and since Grade et al. teaches wherein it is known that after extraction further separation steps may be carried out. Grade et al. teaches wherein the palladium source is 17.3 ppm, with respect to claim 4 (col. 15, line 43-45). Since Grade et al. discloses the same catalyst composition, it is anticipated that at least part of the catalyst composition is insoluble in the first liquid reaction mixture, with respect to claim 5 (col. 4, lines 42-44). Grade et al. continues to disclose wherein the carbonylation catalyst is comprised of salts such as carboxylates, sulfates and halides (col. 8, lines 21-25). Furthermore, Grade et al. discloses wherein the salt source may also include lithium bromide, sodium chloride, and potassium chloride (col. 8, lines 27-30). The Group 8, 9, or 10 group metal has a molar equivalent range between about 0.1 molar equivalent to 2500 molar equivalents (col. 8, lines 6-19). The carbonylation catalyst further comprises an activating solvent, such as polyether, which is present at 6-8% by weight (col. 8, lines 42-56 and col. 9, lines 65-67). The catalyst also comprises a base source, such as an alkali metal hydroxide (col. 7, lines 7-46). The concentration of the acid in the aqueous solution is in the range of about 0.5% and about 20% by weight (col. 13, lines 29-35). The extraction time is carried out having an agitation period for 30 minutes at 60°C (col. 15, lines 23-25). Mixing techniques are known in the art (col. 13, lines 11-14). Grade et al. teaches wherein further separation techniques may be employed and it would be anticipated to one of ordinary skill in the art to expect the liquid reaction mixture to be reduced up to about 95% so that the catalyst will be dry, in order to reactivate the

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carbonylation catalyst based on the teachings of Grade et al. Furthermore, Grade et al. discloses wherein the pressure is maintained in a range of about 0.1013 megapascals to 50.6625 megapascals (col. 10, lines 35-50).

The activating solvent may be a nitrile (col. 9, line 5). A phenol may be used as the aromatic hydroxy compound (col. 2, line 54). With respect to claims 60-63, various purification methods may utilized and means of mixing as taught by Grade et al. (col. 13, line 10-14 and col. 14, line 31-36). With respect to claims 85 and 86, Grade et al. teaches wherein separation is performed at a temperature in a range of between about 40°C and about 150°C (col. 13, lines 50-54).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USP 6,310,232 B1 and USP 6,506,924 B2.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonas N Strickland whose telephone number is 703-306-5692. The examiner can normally be reached on M-TH. 7:30-5:00, off 1st Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 703-308-3837. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-0661.



Jonas N. Strickland
May 5, 2003



WAYNE A. LANGEL
PRIMARY EXAMINER